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**RESOLUTION NO. R-02-12**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLTON ELECTING NOT TO RETAIN THE HOUSING ASSETS AND FUNCTIONS PREVIOUSLY PERFORMED BY THE REDEVELOPMENT AGENCY FOR THE CITY OF COLTON PURSUANT TO PART 1.85 OF DIVISION 24 OF THE CALIFORNIA HEALTH AND SAFETY CODE AND DESIGNATING THE COLTON HOUSING AUTHORITY AS THE ENTITY TO ASSUME THE HOUSING FUNCTIONS AND ASSETS**

**WHEREAS**, the City Council of the City of Colton ("City") currently has five effective redevelopment projects: (1) the Cooley Ranch Redevelopment Project (adopting Ordinance No. 1478, dated July 29, 1975); (2) the Santa Ana River Redevelopment Project (adopting Ordinance No. 1632, dated December 29, 1982); (3) the West Valley Redevelopment Project (adopting Ordinance No. O-10-86, dated July 15, 1986 and its amendment adopting Ordinance No. O-9-87, dated June 30, 1987); (4) the Mt. Vernon Corridor Redevelopment Project (adopting Ordinance No. O-8-87, dated June 30, 1987); and (5) the Rancho/Mill Redevelopment Project (adopting Ordinance No. O-13-94, dated July 5, 1994) (collectively and as amended, the "Project Areas"); and

**WHEREAS**, the Redevelopment Agency for the City of Colton ("Agency") has been engaged in activities to redevelop the Project Areas pursuant to the provisions of the California Community Redevelopment Law (Health & Saf. Code, § 33000 et seq.); and

**WHEREAS**, on June 28, 2011, the State of California enacted California Health and Safety Code Section 34161 et seq. as part of the State's enactment of Assembly Bill 1X 26 ("AB 1X 26"), immediately prohibiting further redevelopment activity by redevelopment agencies and dissolving all redevelopment agencies in the State of California on October 1, 2011; and

**WHEREAS**, on June 28, 2011, the State of California also enacted California Health and Safety Code Section 34192 et seq. under Assembly Bill 1X 27 ("AB 1X 27"), providing communities the opportunity to continue redevelopment activity through their local redevelopment agencies by electing to participate in the "Alternative Voluntary Redevelopment Program"; and

1       **WHEREAS**, on July 18, 2011, a Petition for Writ of Mandate was filed in the Supreme Court  
2 of the State of California in the matter of *California Redevelopment Association, et al. v. Ana*  
3 *Matosantos, et al.*, Case No. S194861 (“Legal Action”), challenging the constitutionality of AB 1X  
4 26 and AB 1X 27, on behalf of cities, counties and redevelopment agencies and requesting a stay of  
5 enforcement of AB 1X 26 and AB 1X 27, pending the Supreme Court’s determination of the  
6 constitutionality of AB 1X 26 and AB 1X 27; and

7       **WHEREAS**, on August 11, 2011, the Supreme Court issued an order in the Legal Action  
8 granting a partial stay of California Health and Safety Code Section 34161 et seq., exclusive of  
9 California Health and Safety Code Sections 34161 through 34167 (which prohibit all new  
10 redevelopment activity), and a complete stay of California Health and Safety Code Section 34192 et  
11 seq., such that the City and the Agency could not pursue new redevelopment activity under the  
12 Alternative Voluntary Redevelopment Program (collectively, “Stay”); and

13       **WHEREAS**, on August 17, 2011, the Supreme Court modified the Stay such that the Stay no  
14 longer affected California Health and Safety Code Sections 34167.5 through 34169.5, in addition to  
15 California Health and Safety Code Sections 34161 through 34167, or California Health and Safety  
16 Code Section 34194(b)(2); and

17       **WHEREAS**, on December 29, 2011, the Supreme Court issued its final decision in the Legal  
18 Action, upholding AB 1X 26, invalidating AB 1X 27, extending all statutory deadlines under Health  
19 and Safety Code Sections 34170 through 34191, and dissolving all redevelopment agencies  
20 throughout the State of California, effective February 1, 2012; and

21       **WHEREAS**, Health and Safety Code section 34176 provides that the City may elect to retain  
22 the housing assets and functions previously performed by the Agency, but if the City does not so  
23 elect, all rights, powers, assets, liabilities, duties, and obligations associated with the housing  
24 activities of the Agency, excluding any amounts in the Low and Moderate Income Housing Fund,  
25 shall be transferred as follows: (1) where there is no housing authority in the territorial jurisdiction of  
26 the Agency, to the State of California Department of Housing and Community Development; (2)

1 where there is one local housing authority in the territorial jurisdiction of the Agency, to that housing  
2 authority; (3) where there is more than one local housing authority in the territorial jurisdiction of the  
3 Agency, to the local housing authority selected by the City; and

4  
5 **WHEREAS**, the City Council permitted the Colton Housing Authority ("Authority") to  
6 transact business and exercise power inferred on the Authority under the Housing Authorities Law  
7 (Health & Saf. Code, § 34200 et seq.) by Resolution No. R-28-11 on March 15, 2011; and

8 **WHEREAS**, the Authority is not the only local housing authority within the territorial  
9 jurisdiction of the Agency; and

10  
11 **WHEREAS**, the City desires to designate the Authority as the appropriate entity to assume  
12 the housing functions of the former Agency; and

13 **WHEREAS**, all other legal prerequisites to the adoption of this Resolution have occurred.

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15 **NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF COLTON DOES**  
16 **HEREBY RESOLVE AND FIND AS FOLLOWS:**

17 **Section 1.** **Recitals.** The Recitals preceding this Resolution are true and correct and are  
18 incorporated into this Resolution.

19 **Section 2.** **CEQA Compliance.** The determination and election made in this Resolution  
20 do not commit the City to any action that may have a significant effect on the environment. As a  
21 result, such approvals do not constitute a project subject to the requirements of the California  
22 Environmental Quality Act. The City Clerk is authorized and directed to file a Notice of Exemption  
23 with the appropriate official of the County of San Bernardino, California, within five (5) days  
24 following the date of adoption of this Resolution.

1           **Section 3. Election Not to Retain Housing Assets and Functions; Transfer of Housing**  
2           **Assets and Functions.** In accordance with Health and Safety Code section 34176, and based on the  
3           Recitals set forth above, the City Council hereby elects not to retain the housing assets and functions  
4           previously performed by the Redevelopment Agency for the City of Colton. Upon dissolution of the  
5           Redevelopment Agency for the City of Colton pursuant to Part 1.85 of Division 24 of the California  
6           Health and Safety Code, and except as otherwise provided under AB 1X 26, all rights, powers, assets,  
7           liabilities, duties, and obligations associated with the housing activities of the Redevelopment Agency  
8           for the City of Colton, excluding any amounts in the Low and Moderate Income Housing Fund, shall  
9           be transferred in accordance with Health and Safety Code section 34176 to the Colton Housing  
10          Authority.

11           **Section 4. Implementation.** The City Council hereby authorizes and directs the City  
12          Manager to take any action and execute any documents necessary to carry out the purposes of this  
13          Resolution, including but not limited to notifying the County of San Bernardino Auditor-Controller,  
14          the Controller of the State of California, and the California Department of Finance of the adoption of  
15          this Resolution in accordance with AB 1X 26.

16           **Section 5. Severability.** If any provision of this Resolution or the application of any such  
17          provision to any person or circumstance is held invalid, such invalidity shall not affect other  
18          provisions or applications of this Resolution that can be given effect without the invalid provision or  
19          application, and to this end the provisions of this Resolution are severable. The City Council declares  
20          that the City Council would have adopted this Resolution irrespective of the invalidity of any  
21          particular portion of this Resolution.

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23           **Section 6. Certification.** The City Clerk shall certify to the adoption of this Resolution.  
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1 **Section 7. Effective Date.** This Resolution shall become effective immediately upon its  
2 adoption.

3 **PASSED, APPROVED AND ADOPTED THIS** 30th day of January, 2012.  
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6 FRANK A. GONZALES  
7 Mayor Pro Tempore

8 ATTEST:

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10 EILEEN C. GOMEZ, CMC  
11 City Clerk  
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1 STATE OF CALIFORNIA )  
2 COUNTY OF SAN BERNARDINO ) ss.  
3 CITY OF COLTON )

4 I, EILEEN C. GOMEZ, City Clerk of the City of Colton, do hereby certify that the  
5 foregoing Resolution No. R-02-12 was duly and regularly adopted by the City Council of the City of  
6 Colton at a Special Joint meeting thereof on the 30th day of January, 2012 and that the same was  
7 passed and adopted by the following vote, to wit:

8 AYES: COUNCIL MEMBER: Toro, Gonzales, Oliva, Bennett, Perez

9 NOES: COUNCIL MEMBER: None

10 ABSENT: COUNCIL MEMBER: Yzaguirre and Mayor Zamora

11 ABSTAIN: COUNCIL MEMBER: None  
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13 Date: \_\_\_\_\_  
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16 EILEEN C. GOMEZ, CMC  
17 City Clerk  
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